UNCONSTITUTIONAL. Decision by the Supreme Court of Mis-

simippi.

In a case of habeas corpus, brought by Jas. Luwis, a freedman, before Judge A. H. HAN-DY, Chief Justice of the High Court of Errors and Appeals, of Mississippi, the decision is published in full. The facts are sin- FLETCHER must go for naught. They have

ted as follows: The petitioner, a freedman, was convicted on the 17th of September, 1866, in the County Court of Madison county, on a charge of carrying fire arms, in said county, in the menth of August, 1860, contrary to the act of our Legislature of November session, 1865, Chap. 23, Sec. 1, and fined the sum of one dollar and costs; and, in default of payment thereof, he was ordered to be imprisoned in the county jail for the space of five days, and it was ordered that, after the expiration of that time, the fine and costs remaining unpaid, he should be hired out for the pay-ment thereof. The return to the writ of hacus sorpus showed, that he was held in custody by the Sheriff of Madison county, in virtue of this order and judgment, and by reason of his failure to pay said line and

On this state of facts, and on argument of counsel in behalf of the petitioner, the matvisement, in order that mature consideration which the grave and important ques-tions involved in it demand; and I now proceed to state briefly, my views of those questions and my judgment in the matter.

The first point made was, that the charge violated the Bill of Rights of the State bear arms for his defense." This point being disposed of the Ledward of the Ledwa being disposed of the Judge continues:

Again, it is insisted that the second section of the 13th amendment gave to Conhave received copies of the same "General have received copies of the same "General and widely separated sources, we gross power to pass laws for the protection and security of the civil rights of the freed laws, which more clearly discloses the purlaws, which more clearly discloses the purlaws and security of the civil rights of the freed laws, which more clearly discloses the purlaws are the protection. negroes, at discretion; that, in the exercise of this power the bill entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their civil rights, and furnish the means of nance of the Radical Constitution. in April, 1866, and that the act of our Legis-lature, above mentioned, being in conflict with that act of Congress, becomes inopera-Let us examine these positions.

Let us examine these positions.

In the first place, what is the extent of the power conferred on Congress by the second section of this amendment?

ond section of this amendment? tion 1. Neither slavery nor involvntary servitude, except as punishment for crime whereof the party shall have been convicted, shall exist within the United States, or any place subject to its jurisdiction."

The whole and sole purpose of this provision was, to ordain that slavery should not exist within the United States. It was a publie declaration of freedom to the slabe complete commenting at any length on this or any in itself, requiring nothing further to make other provision of the constitution of such a in itself, requiring nothing further to make other provision of the constitution of such a it effectual to the end intended. It is of the body. The positive and absolute illegality nature of a legislative edict, which of itself of it is apparent upon its face. It proclaims works out its own object. like a legislative a purpose to do an unlawful act—each memact declaring a minor of competent age, or | ber being pledged to submission to an unertain persons with particular specified unlawful orders of the commander of a seprivileges, or declaring a particular contract cret and unlawful band of conspirators who rescinded, or a certain deed void and the are plotting to maintain by arms the Radi like. By its mere operation, the right of free-dom was established as an accomplished fact. the ultimate purpose of perpetuating the dom was established as an accomplished fact. the ultimate purpose of perpetuating the and this is all that was done, or intended to Radical faction in its ill-gotten power. What, then, is the scope of the power con- and liberties of the people of Missouri. ferred on Congress in the second section, "to enforce this article" (the first section) "by

It was plainly only legislation to enforce the right conferred in the first section, that was contemplated in this section. Its entire scope is to authorize Congress to pass laws securing to the freed negro, the right of free days overseen the results of the contemplated in the section. Its entire scope is to authorize Congress to pass laws organization. He undoubtedly countenances of an avented. The language is plain and insignificant. It is to "caforce" the right of freedom confer-

This looks to resistance to its exercise, the supply of the "arms" by which its con and gives power to provide remedies to "enit, in case the enjoyment of the right of freedom shall be obstructed or interfered It imports that adequate remedies pared to defend their rights and liberti should be provided for putting the negro in against any practical demonstration of it the enjoyment of his freedom in case he plans. When armed conspirators, without hall be detained as a slave, as was antici- legal sanction, assume to be the interpreter pated, and the like. Then it is to be "apto the right of freedom, and to high time for law-abiding men to respond to hat alone. It has no reference whatever to such an assumption in a way to defend con "protecting or vindicating" other and col-lateral rights, not enumerated in the amend-ties under the law. Such an organization ment, to which the negro might be considered as entitled, in common with the citi-agus of the States; for no such rights are mbraced in the antecedent section conferring the right authorized by the second section, to be enforced. With no justness or propriety whatever could it be said that leslation in reference to such collateral and endent rights, was "appropriate" to ious section. If this be not true, any power whatever may be predicated of this second section; and Congress possesses the pow r under it to annul every State law in relation to free negroes, except probably those in reation to the right of suffrage; to discrimi- lin on Sunday, to implore the Almighty nate in their favor against the white man; arrest the dangers which threaten the St to regulate the entire penal code of a State | preme Pontiff. In the Cathedral, Marland to exempt negroes from punishment to borough street, the ceremonies were con which they, in common with white men, are | ducted with more than usual solemnity. At subject, under State laws, and in short to 12 o'clock a grand pontificial high mass, at pass any laws in relation to free negroes

which the wildest imagination could suggest, as proper for "prote-sing and vindicating" their alleged rights. In order to the exercise of an implied DONNELLY. Rev. Mr. IRWIN acted as maspower, the means employed must be "neces- ter of the ceremonies. A vast congregation sary and proper" to the end required. "The | thronged every part of the church. government of the United States" say Jusce Story, "can claim now powers which and acolyte, proceeded up the sanctuary are not granted to it by the Constitution; the altar, the choir sung the "Ecce Sace and the powers actually granted must be such | dos." At the conclusion of the mass hi MARTIN VS. HUNTER, I WHEAT an appropriate address, taking for his text 104. The implied power must be clearly the Gospel of the day. Having expatiated THE FALL TRADE "necessary and proper" to the carrying out on the text and explained its meaning, his of the particular power expressly granted. In order to be "appropriate" to that end, his return from Rome, the capit means must be "suitable, fit or proper" and centre of Christianity, he has to the given end, WEBISER's Dic. They must be appropriate to that particular end, addressing his flock. The faith of Ireland was spoken of with praise throughout the might be stretched by implication, and the entire world, and the Irish people were true rule of construction of the powers of everywhere looked upon as worthy children its most eminent expounders, abused or subverted so as utterly to violate the object of the grant, and to render the powers of Con-

ress unlimited.

It appears to me, therefore, clear that this set of Congress is whelly foreign to the end lectared in the first section of the 13 amend-their independence, but they retained what act of Congress is wholly foreign to the end declared in the first section of the 13 amend-ment, and cannot be justified by the power granted in the second section of the amend-

Under a solemn sense of official duty, I am, therefore, constrained to hold, that the act of Congress in question, is in contravention.

As a Cathotic nation, Ireland still held a high place among the nations of the earth, and the Sovereign Pontiff, to whom all her trials and sufferings were well known, looked of the Constitution of the United States, as | with affection on our country, as one of the The Judge next proceeded to consider the

jurisdiction of State Courts in judicial quest their prayers with those of their brethren tions involving the constitutionality of laws enacted by the Federal Congress, and the behalf of the Sovereign Pontiff in the dan- in this market, and to all others, we can assure provision of the Civil Rights bill, prescrib- ger that at present menaced his liberty of them there is no necessity for going beyond Nash

the validity of all legislative acts, by the | was by prayer and material aid. test of the Constitution of the United States, is imposed by that Constitution and the act of Congress nearly co-eval with the Constitation, on all judges and magistrates, both Federal and State, whenever a case is pro- Esq., caused some excitement among memperly presented for their decision, it is not bers of the bar by moving the admi dinary act of Congress under consideration that it undertakes to subject such officers to punishment for the discharge of this clear and well established duty, and attempts to constrain the consciences of State judges and magistrates, to the enforcement of that act, whether they consider it constitutional the least objectionable part of this extraor- practice of JONATHAN WRIGHT, a full-blood-

and usagistrates, to the enforcement of that act, whether they consider it constitutional cornet—a manifest invasion of the province of an independent judiciary which, if successful, would prostrate its high and salutary functions, and to which no one fit to wear the judicial ermine could for a moment vivid.

Satisfied, as I am, that the act of the Legislature under which the petitioner has been redevicted and is held in controlly, is founded in the just constitutional powers of the Biale Government, he must be re
The State Government of that the south of the temptor of in the courts of District of Columbia. The partition of DAVID MOOR, J. P.

The State of Columbia. We mount is about twenty-eight years on age. He stedded law with a firm in Scrant the bar, as no such motion was ever before the goal and that, or the same will be proceeded with a great of Columbia. We mount is about twenty-eight years on age. He stedded law with a firm in Scrant the bar, as no such motion was ever before the goal and the courts of District of Columbia. We mount is about twenty-eight years on age. He stedded law with a firm in Scrant the bar.

The State of Columbia. We mount is about twenty-eight years on age. He stedded law with a firm in Scrant the bar.

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The State of Columbia. The same will be proceeded with the part of Columbia. We mount is about twenty-eight years on age. He stedded law with a firm in Scrant the bar.

The State of Columbia.

The State of Columbia. We must be proceeded with a firm in Scrant the bar.

The Bar had and salutation of Columbia.

The State of Columbia.

The State of Columbia.

The State of Columbia.

The State of Columbia.

T

DAILY UNION AND AMERICAN

VOLUME XXXIII.

THE CONSPIRACY UNFOLDING.

been proved guilty of prevarication and

pocrisy of the Governor we exposed two

three days since, exhibiting him in the cha

acter of chief conspirator in the plot to maintain the Radical ascendency by arms

and actively engaged in its development while pretending to the public that he had abandoned his designs and was no longe

of armed forces having no sanctioned o

law. He cannot be ignerant that in ever

county of the State there is a ramifica

tion of an organization political in charac-

acter, Radical in its creed, illegal and un-

constitutional in design, hostile to the liber-

ties of the people, secret in its deliberations

general constitution and regulations of the

of America," exhibiting the fact that in the State the Radicals were forming themselves

into secret associations for political purposes

The phraseology of the Constitution plainly enough indicated that the organization par

took of a military character, force being is

The Democrat "poohed" at our warnings in reference to this "Advance Guard," char-

legitimate bounds. Since then, from several

The eighth section reads as follows: "SEC. 8. The sentinel in the anti-root

will report the name of the party seek

admission to the Guard, and, on his bei

tution of the State of Missouri as the su-

preme law, and are you willing to the ut most of your power to maintain and enforce

it? Are you willing to move at the order

of your commander to support the Constitu-

We will not consume space or time i

tion and laws of this State, with arms if n

The menace to the constit

ultimate purpose is the control of the polis

by armed men, bound together by obligation pledged in secret, known to each other by

stitution is to be maintained and enforce

of the existence of this order, but to be pro-

maintainers and enforcers of the law, it

their organization and their designs. Let

lay, to meet this order, or any portion of it whenever and wherever it may present it

THE POSITION OF THE POPE.

Eminence, the Cardinal Archbishop, specia

devotions were observed in the principa

churches and chapels of the diocese of Dub

which the Cardinal Archbishop was present

was celebrated. Most Rev. Dr. WHELAN

Lord Bishop of Bombay, celebrant, assisted

by Rev. Father O'REILLY and Rev. Father

the procession, headed by the cross-bearer

Eminence proceeded to observe that since

and centre of Christianity, he had

been desirous of an opportunity of addressing his flock. The faith of Ireland

of their martyred ancestors. Their virtue especially their spirit of obedience and

relief at this day by the insubordination and

was infinitely more precious than any earth-

Church. They were assembled that day to show their love for the Holy See by uniting

throughout the length and breadth of Ire-

y blessing, the gift of the Catholic faith.

From the Dublin Freeman's Journal.]

Conservatives be fully prepared, without de-

Conservatives have no alternative, in view

efficiency to its schemes.

rganization known as the "Advance Guard

and relying upon armed force for success. We published, nearly two weeks ago, th

countenancing or aiding in the organi

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Watson M. Cooke,
npson, D. Weaver,
er, John B. Johnson,
er, John W. Terrass.
m. A. G. Adams,

A. W. BUTLER, Secretary,

CAPITAL AND ASSETTS ...

MISCELLANEOUS. nanded to the enstedy of the Sheriff and dered to pay the cost of this proceeding. In support of these several positions the HUGHES' TONIC carned Judge arrayed a number of author-A SAPE, SPEEDT AND EFFECTUAL ities, embracing the leading cases in expo-REMEDY FOR ition of our juridical and constitutional history. The case will most likely go to the Supreme Court of the United States.

FEVER AND AGUE, From the St. Louis Republican.]
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ing certain punishment for State Judges who should, by their official actions, obstruct the operation of this law, and concludes as follows:

Note: The control of this law, and concludes as follows:

The control of this law, and concludes as follows:

The control of this law, and concludes as follows:

The control of this law, and concludes as follows: We solicit an Examination.

EVANS, FITE & CO.

Van Buren County, Tennessee. ATTACHMENT. W. S. Bledson vs. J. B. McGee.

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The Requisition of this Valuatia Art is held to be a matter of such moment, not merely to the literary and professional man, but also to the morehant, that though forming no part of the commercial course, it has been deemed in harmony with the character of a commercial college, to institute a course of instruction in it, which the student at his option can avail hisself of, convinced of its ability for his own smecial purpose. Proficiency guaranteed in five lessons.

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TO THE HOLDERS OF THE NOTES

Union Bank of Tennessee.

T THE LAST TERM OF THE CHANCERY

A THE LAST TERM OF THE CHANCER Y
A Court of Davidson county, the following order
was made, viz: It is ordered that the creditors
of the Union Bank of Tennessee who hold the circulating notes and all who may hereafter necome
holders of such notes, shall, on or before the 1st of
January next, 1897, file such notes with Joseph W.
Ather, as Trustee, under the penalty, in case of
failure so to do of being excluded from the province
dividends which may be made, and being barrade
from all claim against the trust fund by the statutes of limitation."

In accordance with the above order, all holders ates of Emitation."

In accordance with the above order, all holders of Union Bank Notes are hereby notified to present them at the said Bank, No. 34 North College treet, Nashville, Tennessee, for registration, between now and the list of January next, and reserve certificates of Agnosit theoreter. JOSEPH W. ALLEN, Receiver.

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COATS! COATS! COATS!! Five Thousand COATS, embracing all shades, textures, colors, styles and sizes, at various prices VERY FINE.

POCKET HANDKERCHIEFS, SILK AND LINEN.

PANTS, PANTS, PANTS. Three Thousand pairs of PANTS, of every cut, color material and size, at reasonable rates. Ver

CRAVATS, TIES AND SCARFS.

Velvet, Silk, Cloth, Marsailles, Cassimere, VESTS: VESTS:: VESTS:: VESTS::: VESTS::: VESTS::: VESTS::: ON AND AFTER WEDNESDAY, AUGUST ON The Thomas of all grades thomas challenged for the particle action. Two Thomas of all grades thomas challenged for the particle action. Two Thousand Vests, of all grades, shapes, shades and sixes. A beautiful article.

SOCKS! SOCKS!! SOCKS!!! BEAVER, CASHMERE AND PLUSH HATS,

SHIRTS SHIRTS, SHIRTS! FIFTY-TWO DOZFN SHIRTS, embracing in part: Linen, French Prints, Lawns, Muslin, Fancy and Plain Bosom, all of the best and finest finish. These are very handsome. Suspenders! Suspenders!!

Underwear of every Description and grade-the best in the city. TRUNKS, VALISES, CARPET BAGS, ETC. In fact, we have every article necessary to complete a gentleman's wardrobe. Call and exemine the goods.

I feel much gratified at the very generous and liberal patronage bestowed upon me by the public generally, and hope, by close application and energy in my business, to merit a liberal share in future. To those friends and patrons who have stood by me in the darkest hours of adversity, I return the thanks of my heart; and hope to meet them in fature prespecity at my old stand. No. II South Side Public Square, Nashville. I invite all to come. Come all 1

If I have any friends or acquaintances who are ashamed of my antecedents, and they wish anything in my line of business. I cordially invite them to come to No. Il Public Square and see me, and it will afford me more than ordinary pleasure to serve them. And, on the other hand, if there are those p the community who are my friends and acquaintances, and are not assumed of my antecedents. I cheerfully bid them welcome, and hope they will not wait for further invitation, but come and select their goods at once. I want to elothe the people; that's all.

I return my sincere thanks to the public generally and friends for the liberal patronage received, and solicit a share in future.

Having had an experience of over sixteen years in the Clothing and Furnishing Goods business feeling confident that those who have tried me know that whatever they buy of me at the above house will meet their expectations, I solicit a share of their patronage, and would also invite the public generally to examine the stock of J. A. J. Rose.

SERRE D. MIEVENS. JESSE D. STEVENS.

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IRON, NAILS, STEEL, TOOLS, MACHINERY, CASTINGS, &C. NO. 3 BROAD STREET,

NASHVILLE, TENNESSEE,

Agents for the Buffalo Scale Company, have just opened at the above Address, and offer the following at reduced Prices, viz:

250,000 the Cut Nails, assurted: One 15 Horse Power Stationary Steam 100,006 By Pressed Nuts, assorted: Engine, complete; 75,000 Wrot Washers, assorted; Three Steam Boilers; 10,000 Pairs Strap Hinger, asserted: One Mattewan Iron Planer, planer? 100,000 the Boller and Tank Iron; fost Mix24 inchesh 100,000 Dis Bar Iron: 10 McGowan's Pumps, and connections; 250,000 Tire Bolts: 50 Large Stop Valves: 16,000. Wagon Clevises: 5,000 Trace Chains: 100 T's and Crusses; 2,000 Steele Drills Jumpers, ste. Steele and Composition Bells; 200 Box Visus; Railroad Track Scales, 190 Smiths' Anviln 55 Heating Stover:

LEAD, Etc., Etc.

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Proportionate rates for shorter periods.

Fourteen Hours. QUICKEST TIME FOR Clarksville, Paris, Humboldt,

Memphis, New Orleans,

AND ALL POINTS SOUTH.

ON AND AFTER MONDAY, the 13th day of August, this Road will run Twu DAILY TRAINS through from Nashville to

Mounthis Junction, connecting there with Mem-this and Louisville Railroad line, and all points outh and North. Time Table.

... 10:00 г. и... Arrives at Memphis Junction 12:10 y. w. Arrives at Momphis Junction 1:10 a. M. This Schedule Possesses advantages over all other Rostes in many respects. It is much SHORTER, and the time made much the QUICKEST EVER MADE from Nashville to Memphis. BOYD M. CHEATHAM,

Gen'l Sup't, E. and Ky. R. R. LOUISVILLE & NASHVILLE

QUICK TIME TO ST. LOUIS, CHICAGO. CINCINNATI,

AND THE EAST. Two Daily Through Trains, Making Birect Connections at Louisville for the East, West and North.

COMMENCING AUGUST 20TH, 1904, Trains will run as follows : Leave Nashville No. 1. No. 2.
Leave Nashville 630A M 230 P M
Arrive at Bowling Green, 255 A M 680 P M
Cave City, 1864 A M 737 P M
Louisville, 235 P M 1h15 P M

WEST AND NORTH. save Louisville, 2-45-P M H:30 P M 5:30 A M rive at Chicago, 8:30 A M 4:00 P M 10:00 P M St. Louis, 11:50 A M EAST.

"Boston, 3:50 P M 5:00 P M 3:50 P M 3:50 P M 3:50 The train leaving Nashville at 2:50 P, M, does not run on Sunday.

**The train leaving Louisville at 5:30 A, M, does not run on Sunday.

Stemmers of U. S. Mail and People's Line leave Louisville daily at 10:00 A, M, 11:00 A M, 4:00 P M., arriving in Cineinnati in time to take early morning trains for the Knat.

**Ear Passenger Cars attached to Freight Train: Leaves (Salintin 2:30 A, M, arrives at Nashville 12:00, noon. Leaves Nashville 5:00 P, M, arrives at Gallatin 7:15 P, M.

ALBERT FINK, au18-

Nashville and Chattanooga

RAILWAY

CHANGE OF TIME. Nashville and Chattanooga Line. Leave Nashville for Chattanooga and all points South, at 7:40 s. M. and 4:00 F. M. Arrive at Chatta nooga at 5:55 F. M. and 2:00 s. M. next day. Re-turning leave Chattanooga at 4:10 s. M. and 0:20 F. M. Arrive at Nashville at 1:65 F. M. and 0:20 F. M. Arrive at Nashville at 1:65 F. M. and 0:20

FARE TO NEW ORLEAS One Hundred Dozon Hats of the very latest and most approved Styles, Finish and Colors. They are Fine. Closs connections made at Stevenson and Char-anooga for all cities East and South. Sleeping cars on all Night Passenger trains. Nashvitle and Northwestern Line. Nashville and Northwestern Line.
Expanse Plasarons—Leaves Nashville for
Johnsonville, and all points West and Northwest,
at 2:10 r. x. Leaves Kingston Springs at 2:20, r.
x. Arrive at Johnsonville 6:40 r. x. Returning
isave Johnsonville at 7:10 x. x. Arrive at Kingston
10:10, r. x. Arrive at Nashville at 11:40 r. x.
Accommanded School of School of the Arrive at
Jeansonville at 10:20, r. x. Leave Johnsonville at
1:30, a. x. Leave Kingston Springs bille, a. x.
Arrive at Nashville at 5:50 s. x.
Trains to the N. & N. W. R. B. connect at
Johnsonville, with the Cairo and Johnsonville
Packets without fail.

All trains connect at Wartrace for Shelbyville.

Trains stop at all intermediate points. Procure tickets at H. C. Jackson's opposite St. Cloud Hotel, or at the Chattanooga Depet.

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OFFICE-NORTH EAST CORNER OF

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AGENTS FOR THE SALE ASHVILLE AND CHATTANOOGA, LOUISVILLE AND NASHVILLE,

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Persons living in Edgefield will be taken to or from any of the trains emering at Nashville by leaving calls at our office, or applying to our agents found upon all trains arriving at this city.

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Superintendent

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